

**SB Civil Misc. Appeal No.513/2001  
(Oriental Insurance Co. Vs. Dhura Ram and Ors.)**

**Date of Order: 17.2.2006**

**HON'BLE MR.JUSTICE BHAGWATI PRASAD**

Mr. L.D. Khatri, for the appellant.  
Mr. S.K. Sankhla, for the respondents

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This appeal has been filed by the Insurance Company on the ground that the driver of the vehicle involved only possessed the learning licence. In terms of the conditions of the learning licence, the learning licence holder has to keep another driver alongwith him while driving the vehicle and possibly a signed "L" on the vehicle. These conditions were not fulfilled, according to the learned counsel, by the driver of the vehicle involved. In this regard the evidence of the appellant is hearsay. The insurance company was required to establish that these two ingredients were not fulfilled while the vehicle was being driven. The evidence of the insurance company in this regard is only hearsay and on the basis of hearsay evidence these facts cannot be considered to have been established.

In that view of the matter, the case being held proved against the insurance company cannot be disturbed. There is no force in this appeal, the same is hereby dismissed.

**(BHAGWATI PRASAD) , J**

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